S.B.Civil Writ Petition NO.6385/2003

Anil Kumar Singh Amranta

vs

State of Rajasthan & Anr.

DATE OF ORDER : - 4.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Pritam Solanki, for the petitioner.
Mr.L.R.Upadhayay, Dy.GA, for the State for the respondents.

<><><>

Heard learned counsel for the parties.

The petitioner is aggrieved against the order of the learned District Magistrate, Sirohi dated 5th April, 2003 by which petitioner's application for grant of licence under the Arms Act, 1959 was rejected by the learned District Magistrate, Sirohi.

According to learned counsel for the petitioner, the petitioner applied for the licence under Section 13 of the Act of 1959 and as per sub-section (3) of Section 14 of the Act of 1959, the licensing authority is required to pass reasoned order in case the licensing authority refuses to grant the licence. In this case, the procedure as provided by Section 13 for grant of licence was not followed and the learned District

Magistrate, Sirohi has not given any reason for holding that the reasons given by the petitioner for keeping the arm after obtaining the licence under the Arms Act is not justified.

Learned counsel appearing for the State submitted that the petitioner applied for the licence, but only on the ground that petitioner is living at Mount Abu and he needs the licence for his security. Such a ground cannot be accepted because there is no reason for the petitioner to say that he is insecured because he is living in the Mount Abu area or he is to travel nearby.

I considered the submissions of learned counsel for the parties. It is clear from Annex.5 dated 5th April, 2003 that the learned District Magistrate, Sirohi has not obtained any report from the police station as required under sub-section (2) of Section 13 of the Arms Act, 1959 and the learned District Magistrate also has not recorded reason for arriving at conclusion that the reason given for getting the licence by the petitioner is no ground for grant of licence.

In view of the above, the writ petition of the petitioner is allowed and the order dated 5th April, 2003 is set aside. The learned District Magistrate, Sirohi may pass a fresh and appropriate order in case the learned District Magistrate, Sirohi finds that there exists any reason for

not granting the licence to the petitioner under Section 14 of the Arms Act, 1959. The application of the petitioner may be decided afresh within a period of two months from today.

(Prakash Tatia), J.

c.p.goyal/-